

Clerk, U.S. District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

SEP 26 2014

for the

Southern District of Texas

David J. Bradley, Clerk of Court

United States of America )

v. )

Case No. C-14-1021 M

GARCIA, Rose Mary )

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 9/25/2014 in the county of Brooks in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

21 U.S.C., 841(a)(1)

Knowingly, intentionally and unlawfully  
possess with the intent to distribute a  
controlled substance in Schedule I of  
the Controlled Substance Act of 1970, to  
wit: 106.34 kilograms, approximate gross  
weight, of marijuana.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complainant's signature

Connie Kuriata, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 9/26/2014

Judge's signature

City and state: Corpus Christi, Texas

Jason B. Libby, US Magistrate Judge

Printed name and title

ATTACHMENT "A"

GARCIA, Rose Mary

On September 25, 2014, at approximately 7:10AM, a white 2014 Toyota Corolla, bearing Texas license plate DMB7266, arrived at the Falfurrias, Texas, Border Patrol Checkpoint. Border Patrol Agent (BPA) Jose Cervantes was working the primary inspection point, along with BPA Enrique Benitez and his canine Alan.

Prior to the Toyota Corolla approaching the primary inspection lane, BPA Benitez signaled BPA Cervantes that his canine Alan was alerting to the trunk of the vehicle. When the vehicle reached BPA Cervantes location, BPA Cervantes made contact with the driver, later identified as Rose Mary GARCIA. BPA Cervantes asked GARCIA where she was coming from and heading to. GARCIA stated she was coming from Brownsville, Texas, and heading to San Antonio, Texas. BPA Cervantes asked GARCIA if she was a United States citizen and if she had any form of identification. GARCIA related she was a United States citizen but did not have any identification. BPA Cervantes then asked GARCIA what she had inside the truck of the vehicle. GARCIA stated "I don't know, I have my suitcase in the back seat". As BPA Cervantes was questioning GARCIA, BPA Benitez conducted a free air sniff on the vehicle and advised BPA Cervantes that service canine Alan was still alerting to the vehicle's trunk.

BPA Cervantes asked GARCIA for consent to see inside the trunk of the vehicle. GARCIA gave consent to see inside the trunk. Upon looking inside the trunk, BPAs located 20 bundles concealed inside black trash bags. The bundles were probed and found to contain marijuana. A total of 106.34 kilograms of marijuana was removed from the trunk. GARCIA was taken into custody without incident and escorted inside the checkpoint.

GARCIA was advised of her Miranda Rights by BPA Cervantes, as witnessed by BPA Benitez. GARCIA acknowledged her rights and indicated so by signing a Warning as to Rights Form; however, she was not willing to make a statement and requested an attorney.

On September 25, 2014, SA Connie Kuriata and TFO Todd Beach arrived at the Falfurrias, Texas, Border Patrol Checkpoint.

SA Kuriata and TFO Beach took custody of GARCIA and all evidence associated with the investigation.

SA Kuriata and TFO Beach made contact with GARCIA and advised her of the Miranda Warnings in the English language which GARCIA acknowledged understanding and indicated so by signing the form as witnessed by TFO Beach. GARCIA also waived her right to an attorney and agreed to speak with agents regarding the marijuana that was located in the trunk of the vehicle.

GARCIA admitted that she had knowledge of illegal drugs in the vehicle and that she was transporting it to Corpus Christi, Texas. GARCIA stated she did not know what type of illegal drug it was until her arrest. According to GARCIA, the marijuana was already in the car when it was provided to her. GARCIA received the vehicle with a full tank of gas and \$30 for expenses to transport the marijuana.

AUSA Bob Thorpe was contacted and approved the federal prosecution of GARCIA.

GARCIA was subsequently transported to the LCS Detention Center in Robstown, Texas for overnight detention pending further judicial proceedings.

The amount of marijuana seized infers the intent to distribute.